

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

NICOLE K. BLACKMON,

Plaintiff,

v.

Case No. 6:22-cv-1283-RBD-DCI

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

In this Social Security appeal, U.S. Magistrate Judge Daniel C. Irick entered a Report and Recommendation submitting that the Court should affirm the Defendant Commissioner of Social Security's ("Commissioner") decision denying Plaintiff benefits. (Doc. 24 ("R&R").) Plaintiff objects on two grounds: (1) the Administrative Law Judge's ("ALJ") residual functional capacity ("RFC") finding was materially deficient because it did not include certain limitations; and (2) the Appeals Council reviewing the ALJ's decision erred in refusing to consider new evidence of issues with her hip. (Doc. 25 ("Objection"), pp. 1, 11.) But Plaintiff made these same arguments before Judge Irick, and his R&R properly explains that the record shows the ALJ's RFC finding was not materially deficient in the context of the entire record and the Appeals Council did not abuse its discretion

in finding the new evidence irrelevant. (Docs. 21, 24); *see Owens v. Heckler*, 748 F.2d 1511, 1514 (11th Cir. 1984). So after an independent *de novo* review of the record, the Court agrees with Judge Irick's well-reasoned R&R. *See* 28 U.S.C. § 636(b)(1); *Ernest S. ex rel. Jeffrey S. v. State Bd. of Educ.*, 896 F.2d 507, 513 (11th Cir. 1990).

Accordingly, it is **ORDERED AND ADJUDGED**:

1. Plaintiff's Objection (Doc. 25) is **OVERRULED**.
2. The R&R (Doc. 24) is **ADOPTED AND CONFIRMED** and made a part of this Order in its entirety.
3. The Commissioner's decision is **AFFIRMED**.
4. The Clerk is **DIRECTED** to enter judgment in favor of Defendant and against Plaintiff and then to close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on August 17, 2023.




ROY B. DALTON, JR.
United States District Judge